IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
	)
Robert POLLIN	) Group Art Unit: 2166
	)
Application No.: 09/492,133	) Examiner: A. Kalinowski
	)
Filed: January 27, 2000	)
	)
For: AUTOMATED PAYMENT SYSTEM	)
AND METHOD	)

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

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SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. § 1.132

1.   I, Robert E. Pollin, am the named inventor in the above-identified application.

2.   This Declaration supplements the Declaration executed by me on December 28, 2001, and filed in connection with this application.

3.   I founded a business named "AutoScribe" in 1988, and incorporated it in the state of Maryland in January 1989.

4.   In about June 1991, AutoScribe began offering a business service under the trade name "Auto-Pay." This business service was what was known in the financial payments industry as a "service bureau." The service bureau's clients were primarily collection agencies. The principle purpose of the service bureau was to take from a collection agency information necessary to prepare a check drawn on the bank of the collection agency's customer, to prepare the check itself, and to mail the check to a designated recipient.

5.   To perform the services of the bureau described in the immediately preceding paragraph, I decided to use an electronic spreadsheet program called "Lotus 1-2-3" for certain limited operations. At the time, Lotus 1-2-3 generally organized information into spreadsheets made up of cells. The service included entering the relevant information that makes up a check into the cells of a spreadsheet, including (i) the name of the payer; (ii) the payer's account number; (iii) the name, address, and

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routing number of a drawee bank; (iv) the name of the designated recipient; and (v) the amount of the payment to be made, into the "cells" of an electronic spreadsheet. The service also used a print-driver program that I developed, to read information from the cells of a spreadsheet and to print that information in the format of a check. By using blank check stock and "MICR" (magnetic image character recognition) fonts and ink, checks could be printed and returned to the collection agencies.

6.   Because the Auto-Pay service bureau simply used a basic spreadsheet for entering the relevant information and a print-driver program, it did not contain, among other things, any method or means for (i) validating the information identifying the institution upon which the check was to be drawn, or (ii) indicating whether an error had been made in identifying such institution. Moreover, the spreadsheet program and the print-driver program did not work together synergistically. To print a check, the operator was required to close the spreadsheet program and then open the printing program separately.

7.   The Auto-Pay service bureau was not very successful for at least two reasons: first, even with aid of the above-described methods, it was still fairly labor intensive, and thus not very profitable; and second, there were market-acceptance issues among potential collection agencies, such as security and control, relatively high fees, and time delays in their ultimately receiving payments.

8.   In late 1991 or early 1992, I conceived the idea of joining a set of functions in a computer program that could be licensed to collection agencies that could then take the necessary payment information directly from its customers, i.e., payers, by-passing the "service bureau" altogether, and thus accomplishing the actual transfer of funds from payer to payee much faster. Initially, the functions of this program would include data-entry and validation, formatting, and printing.

9.   The code for the software described in paragraph 8 was first written in 1992, and AutoScribe began marketing the product, which was called "Auto-Pay Alpha." Later, after a trademark issue arose over the use of the name "Auto-Pay," I chose to drop this name, and all products from that time have been marketed under the name "AutoScribe."

10.   Accordingly, the "Auto-Pay" service described in an article by Lisa Fickensher entitled "Autoscribe Wins Patent for Phone Payment System Series", which was published on June 17, 1994 in *American Banker,* refers to a service marketed by Autoscribe, not the Automated Payment System and Method of patent application Serial No. 08/959,930, now U.S. Patent No. 5,504,677, and the related applications which claim priority to the same application, including the present application. And the invention recited claims of the present application were not in public use and were not offered for sale more than one year prior to October 15, 1992, the filing date of patent application Serial No. 08/959,930.

11.   I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12|29|2003   By: _Robert E. Pollin_____
                              Robert E. Pollin